HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Application No. 1049 of 2006

Smt. Leela Mangla w/o Sri Amar Singh Mangla r/o Ward No. 1 Sarda Chungi Tanakpur, P.O. Tanakpur, Tehsil Purnagiri, District Champawat ..... Applicant

Versus

1. Chief Judicial Magistrate, District Champawat
2. R.P. Viswkarma, Vice Principal, Diet Lohaghat
3. B.L. Verma s/o J.P. Verma, presently posted a Lecturer Economic, G.I.C. Sailanigot, Tanakpur, District Champawat .....Respondents

Dated: 21.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri I.D. Paliwal counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicant has prayed for quashing of the proceedings of Criminal Case No. 1192 of 2006, under section 500 I.P.C. pending in the Court of Chief Judicial Magistrate, Champawat.

Counsel for the applicant has submitted that the case was instituted on the complaint of respondents no. 2 and 3 and no case of defamation is made out against the applicant.

No interference is required at this stage and it will be open for the applicant to take the defence at the trial stage before the Court concerned. So far the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as it will be open for the parties to lead evidence at the trial stage. In view of the observations

made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

However, as the case has been instituted on the complaint and the applicant is a lady, she may be released on her furnishing the personal bond to the satisfaction of the Magistrate concerned. In view of the above observations, application under Section 482 Cr.P.C. is disposed of.

Rajesh Tandon, J.

21.12.2006

*Dhyani